

## AMENDMENT

Serial No. 10/825,014

Docket No. ECI06-GN008

**REMARKS**Introductory Comments

Claims 5-8 and 15-26 are pending in the present application. Claims 5, 7, 8, 15, 16, and 18-22 have been amended. Claims 1-4, 9-14, and 27 have been cancelled. A courtesy clean copy of the claims is also provided at the end of the response. Reconsideration of the application is respectfully requested.

Instant Office Action*Claim Rejections under 35 U.S.C. § 112*

Claims 20-26 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and claim the subject matter Applicant regards as his invention. This ground of rejection is moot in light of Applicant's cancellation of the limitation giving rise to the ground of rejection.

Reconsideration and withdrawal of the 35 U.S.C. § 112, second paragraph, rejections of claims 20-26 are respectfully requested.

*Claim Rejections under 35 U.S.C. § 102*

Claims 1, 2, 7, and 8 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,266,832 to Enzell ("Enzell"). This ground of rejection is moot for claims 1 and 2, and has been addressed for the remaining claims by the amendments to claims 7 and 8.

Claims 7 and 8 have been amended to depend from allowed claim 5, which has been amended to stand in independent form. For this reason, claims 7 and 8 are in condition for allowance because each depends from an allowed claim.

Reconsideration and withdrawal of the 35 U.S.C. § 102(b) rejections of record for claims 1, 2, 7, and 8 over Enzell are respectfully requested.

Claims 1-4 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,383,713 to Roston ("Roston"). This ground of rejection is moot with respect to claims 1-4 in light of cancellation of these claims.

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Reconsideration and withdrawal of the 35 U.S.C. § 102(b) rejections for claims 1-4 in view of Roston are respectfully requested.

Claims 1, 2, 9-18, 20-25 and 27 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,471,690 to McNeil ("McNeil"). This ground of rejection is moot for claims 1, 2, 9-14, and 27. This ground of rejection for the remaining claims has been addressed principally by the amendments to claims 15 and 20.

Claim 15 has been amended to incorporate many of the limitations of claim 9. In its current form, claim 15 is directed to a child car seat pillow, adapted for use with a child car seat, comprising: (a) a central region, delineated from a remainder of a child car seat pillow, adapted to receive at least a rearward portion of a child's head; (b) an elevated boundary at least partially circumscribing the central region comprising: (i) a first panel including a right side appendage and a left side appendage, where the right side appendage is separated from the left side appendage at least in part by the central region, where a widthwise dimension of the first panel is greater than a lengthwise dimension thereof; (ii) a second panel coupled to the first panel, the second panel including a first lateral appendage and a second lateral appendage, where the first lateral appendage is separated from the second lateral appendage at least by the central region, where a widthwise dimension of the second panel is greater than a lengthwise dimension thereof; (iii) a third panel including a right side appendage and a left side appendage, where the right side appendage is separated from the left side appendage at least in part by the central region, where a widthwise dimension of the third panel is greater than a lengthwise dimension thereof; (iv) a fourth panel coupled to the third panel, the fourth panel including a first lateral appendage and a second lateral appendage, where the first lateral appendage is separated from the second lateral appendage at least by the central region, where a widthwise dimension of the second panel is greater than a lengthwise dimension thereof; and (c) a fastener adapted to mount the child car seat pillow to the child car seat, wherein the elevated boundary continuously circumscribes the central region, wherein the first panel and the second panel at least partially define a neck support adapted to make contact with and support the neck of a child, and wherein the first panel and the second panel sandwich the third panel and the fourth panel therebetween. It is

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respectfully submitted that McNeil fails to disclose each and every one of the limitations of claim 15.

For example, McNeil discloses a circular shaped tube 30 comprising a pair of semicircular tubes 52 mounted to one another. McNeil also discloses a backing 32 that is mounted to the underside of one of the semicircular tubes 52 to close off the center opening. McNeil stresses that the materials "are adapted to have surfaces that permit slippage of the device across the seat back." (5:41-43). At best, McNeill discloses three panels, but not the four panels recited in claim 15. For example, if each of the semicircular tubes is considered a panel (sum, 2 panels), while the backing 32 is considered a panel (sum, 3 panels), the total is only three panels. Applicant has found no conceivable interpretation of McNeil that supports a conclusion that four panels are disclosed. For at least this reason, McNeil fails to anticipate amended claim 15.

Second, McNeil fails to disclose a fastener associated with the pillow that is adapted to mount the child car seat pillow to the child car seat. The Office action improperly concludes that the backing 32 of McNeill reads on the fastener limitation of Applicant's claims. Such an interpretation, however, is boundless in that any two object touching one another would be considered to be fastened to one another. Such an interpretation, however, completely obfuscates the fastener limitation. Reading this fastener limitation, in light of the specification, it is clear that the common and ordinary definition of "fastener" was intended to be utilized. Nevertheless, Applicant hereby confirms this to be true and respectfully submits that fastener should encompass any of various devices for holding together two or more objects. In this case, it is clear that the backing 32 of McNeil does not hold the pillow to the seat; rather, the person's head applies a force against the pillow to perform this function and, even in this case, the fastener is not an element of the pillow. For this reason alone, McNeil does not anticipate claim 15, nor claims 16-19 that depend therefrom.

Turning now to claim 20, it is respectfully submitted that McNeil fails to disclose each and every one of the limitations of claim 20. In its current form, claim 20 is directed to a car seat pillow comprising: (a) a first stuffed pillow having a widthwise dimension greater than a lengthwise dimension thereof, the first pillow comprising: (1) a first lateral wing, (2) a second lateral wing, (3) a head receiving area, and (4) a neck support; (b) a second stuffed pillow having

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a widthwise dimension greater than a lengthwise dimension thereof, the second pillow comprising: (1) a first lateral wing, (2) a second lateral wing, (3) a head receiving area, and (4) a neck support; and (5) a connector adapted to mount the car seat pillow to a car seat, wherein the head receiving area of the first pillow is coaxial with the head receiving area of the second pillow.

McNeil discloses a single pillow, but not multiple pillows as recited in claim 20. The single pillow disclosed by McNeil is the circular shaped tube 30 pillow that comprises of a pair of semicircular tubes 52 mounted to one another. The backing 32 is not a pillow. In other words, McNeill may disclose one pillow, but not two pillows that are mounted to one another. For at least this reason, McNeil fails to anticipate amended claim 20 and claims 21-26 depending therefrom.

Second, McNeil fails to disclose multiple stuffed pillows. Instead, McNeil discloses a single pillow that may be stuffed. This is in stark contrast to Applicant's multiple pillows, each having the multiple elements recited in claim 20. For this reason alone, McNeil does not anticipate claim 20, nor claims 21-26 depending therefrom.

Reconsideration and withdrawal of the 35 U.S.C. § 102(b) rejections of record for claims 1, 2, 9-18, 20-25 and 27 in view of McNeil are respectfully requested.

*Claim Rejections under 35 U.S.C. § 103*

Claims 9-26 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,266,832 to Enzell ("Enzell") in view of U.S. Patent No. 5,471,690 to McNeil ("McNeil"). This ground of rejection is moot with respect to claims 9-14. This ground of rejection with respect to claims 15-26 has been addressed principally by the amendments to claims 15 and 20.

In order to maintain the instant ground of rejection in view of the amendments to claims 15 and 20, Enzell and McNeil must: (1) provide some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference; (2) provide a reasonable expectation of success; and (3) teach or suggest all the claim limitations of claims 15-26. See M.P.E.P. § 2143. However, the Office action fails

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to meet at least one of these requirements with respect to claims 15-26, as the aforementioned claims include limitations not disclosed or suggested by either Enzell or McNeil.

As discussed previously, claim 15 has been amended to recite, in part, a pillow that includes four panels. Neither Enzell nor McNeil disclose this limitation. Moreover, claim 16, which depends from claim 15, recites, in part, a pillow including a first cavity is bounded in part by an underneath surface of the first panel and an underneath surface of the third panel, where the first cavity is stuffed, and a second cavity is bounded in part by an underneath surface of the second panel and an underneath surface of the fourth panel, where the second cavity is stuffed. Neither Enzell nor McNeil disclose these limitations of claim 16. Similarly, claims 17-19 include other limitations not disclosed by Enzell or McNeil. Thus, claims 15-19 are distinguishable over the Enzell-McNeil combination and stand in condition for allowance.

Claim 20 has been amended to recite, in part, a first stuffed pillow and a second stuffed pillow, where the head receiving area of the first pillow is coaxial with the head receiving area of the second pillow. Neither Enzell nor McNeil disclose this limitation. Moreover, claim 23, which depends ultimately from claim 20, recites, in part, the head receiving area of the first pillow includes an orifice through the first pillow, and the head receiving area of the second pillow includes an orifice through the second pillow. Neither Enzell nor McNeil disclose this limitation for pillows having head receiving areas that are coaxial with one another. Similarly, claims 21, 22, and 24-26 include other limitations not disclosed by Enzell or McNeil. Thus, claims 20-26 are distinguishable over the Enzell-McNeil combination and stand in condition for allowance.

In light of the foregoing amendments, it is respectfully submitted that claims 15 and 20 are clearly distinguishable from a Enzell-McNeil combination and stand in condition for allowance. Likewise, claims 16-19 and 21-26 that depend from claims 15 and 20, respectively, are also in condition for allowance for at least the same reasons discussed above for claims 15 and 20. Reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejections of record for claims 9-26 are respectfully requested.

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Allowable Subject Matter

Applicant acknowledges the determination that claims 5 and 6 are allowable. Claim 5 has been rewritten in independent form. Thus, claims 5 and 6 stand in condition for allowance.

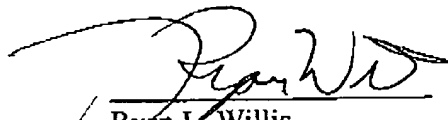
Conclusion

In light of the foregoing, it is respectfully submitted that claims 5-8 and 15-26, now pending, are patentably distinct from the references cited and are in condition for allowance. Reconsideration and withdrawal of the rejections of record are respectfully requested.

The Commissioner for Patents is hereby authorized to charge any additional fees that may be required by this paper, or to credit any overpayment to Deposit Account 50-3072. In the event that the Examiner wishes to discuss any aspect of this response, please contact the undersigned at the telephone number indicated below.

A courtesy copy of the claims in clean form is provided below.

Respectfully submitted,

  
Ryan L. Willis

Taft, Stettinius & Hollister LLP  
Reg. No. 48,787  
425 Walnut Street, Suite 1800  
Cincinnati, OH 45202-3957  
513-357-9663  
[willis@taftlaw.com](mailto:willis@taftlaw.com)